

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RODOLFO C. FALCON, KENNETH D.
BLAIR, KELAND A. STRONG, MAJOK
ANGELO WUT BETHOW, and ALEXIS
BERNAL LOPEZ,

Defendants.

8:22CR116

**AMENDED ORDER DESIGNATING
COMPLEX CASE
NUNC PRO TUNC**

This matter is before the Court on the [100] Joint Motion for Designation of Complex Case. The government requests that this case be designated as complex and to adjust the current trial and pretrial motion deadlines. Counsel for the defendants do not oppose the designation. The Court finds from the representations by counsel for the parties that this case is so unusual and so complex due to the nature of the prosecution, the existence of novel questions of fact and law, and the amount of discovery, it would be unreasonable to expect adequate preparation for pretrial proceedings or for the trial within the time limits established by the Speedy Trial Act. See 18 U.S.C. § 3161(h)(7)(B)(ii). For good cause shown, the motion will be granted, in part. Accordingly,

IT IS ORDERED:

1 The government shall provide Rule 16 discovery to each defendant as previously ordered and as required under Federal Rules of Criminal Procedure 16(a)(1)(A)-(F) and 16(b)(1)(A)-(B), and must comply with the continuing duty to disclose such matters pursuant to Rule 16(c). Any request for expert disclosures under the provisions of Federal Rules of Criminal Procedure 16(a)(1)(G) or (b)(1)(C) shall be filed **within five (5) days** of an order setting trial. If a request be made, the government shall make its case-in-chief expert disclosures under Rule 16(a)(1)(G) **within twenty-one (21) days** before trial. If a request be made, a defendant shall make its case-in-chief expert disclosures under Rule 16(b)(1)(C) **within fourteen (14) days** before trial. If a request be made, the government shall make its rebuttal expert disclosures under Rule 16(a)(1)(G) **within seven (7) days** before trial. In lieu of a request for expert disclosures under Rule 16(a)(1)(G) or (b)(1)(C), any party may file a request for a status conference with the assigned magistrate judge to discuss case progression, to include, but not be limited to, discovery or expert disclosure deadlines, change of plea hearings, Federal Rule of Criminal Procedure 17.1 conferences, and trial scheduling.

2. Pretrial motions, as defined under Federal Rule of Criminal Procedure 12(b)(3), shall be filed by defendants, Rodolfo C. Falcon, and Majok Angelo Wut Bethow¹ on or before **April 3, 2023**, and that deadline will not be extended by the Court except for good cause shown.

3. A status conference is set for **April 3, 2023, at 3:00 PM** by telephone before Magistrate Judge Michael D. Nelson. Counsel will follow the call-in instructions sent to them by e-mail.

4. The ends of justice have been served by granting such request and outweigh the interests of the public and the defendants in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., from **February 23, 2023, through April 3, 2023**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

Dated this 23rd day of February, 2023.

BY THE COURT:

s/ Michael D. Nelson
United States Magistrate Judge

¹ The pretrial motion deadline for defendant, Kenneth D. Blair expired January 9, 2023. The pretrial motion deadline for defendants, Keland A. Strong and Alexis Bernal Lopez expired November 28, 2022.